



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hugli and Jackson Art Unit: 1644  
Application No.: 09/922,236 Examiner: Nolan, Patrick  
Filed: August 2, 2001 Confirmation No.: 8664  
USPTO Confirmation No.: 28213  
Title: DIAGNOSTIC MARKERS OF LIVER DYSFUNCTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**DECLARATION UNDER 37 C.F.R. § 1.132**

I, Dr. Tony E. Hugli and Dr. Craig M. Jackson, declare and state that:

1. We are co-inventors of the subject matter described and claimed in the U.S. Patent Application Serial No. 09/922,236, filed on August 2, 2001 entitled, "Diagnostic markers of liver dysfunction".
2. We are familiar with the prosecution history of Patent Application Serial No. 09/922,236.
3. We understand that the Examiner rejected claims 1-3, 5-12, 14, 16 and 18-19 under 35 U.S.C. § 102(a) as there are non-applicant co-authors on the Hayashi et al. reference (Fourteenth Symposium of the Protein Society, August 5-9, 2000). The authors of the Hayashi, *et al.* reference are Joichiro Hayashi and Tony E. Hugli.
4. We also understand that the above-identified reference abstract was not mailed to Symposium participants prior to the Symposium date of August 5th, 2000.
5. We declare that the above-identified abstract reference is describing Dr. Tony E. Hugli's work and was originated by, or obtained from, him.

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6. We further declare that Dr. Tony E. Hugli alone is the sole inventor of the subject matter of the Abstract, and that the other co-author, Joichiro Hayashi, was merely working under Dr. Hugli's direction.
7. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Feb. 27, 2006

Tony E. Hugli  
Dr. Tony E. Hugli

Date: \_\_\_\_\_

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Dr. Craig M. Jackson

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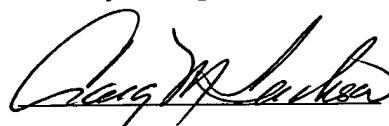
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Date: \_\_\_\_\_

Date: 27 Feb 2006

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Dr. Tony E. Hugli

  
Dr. Craig M. Jackson